IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2146 of 2007
WITH
SPECIAL CIVIL APPLICATION No. 2147 of 2007

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA
AND
HONOURABLE MR.JUSTICE H.B.ANTANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment?

2 To be referred to the Reporter or not?

3 Whether Their Lordships wish to see the fair copy of the judgment?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any Order made thereunder?

5 Whether it is to be circulated to the Civil Judge?

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RAMESH BHALABHAI DABHI AND ANOTHER - Petitioners
Versus
UNION OF INDIA THROUGH GENERAL MANAGER
AND ANOTHER - Respondents

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Appearance :
MR NS SHETH for the Petitioners.
None for the Respondents. .

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CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA

and

HONOURABLE MR.JUSTICE H.B.ANTANI

Date : 24/01/2007

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

1. Heard Shri N. S. Sheth for the petitioners.

2. 5 applicants had approached the learned Central Administrative Tribunal, Ahmedabad and filed Original Application No. 308 of 2006 wherein the opponents – Railway Administration filed Miscellaneous Application No. 12 of 2007, seeking permission to declare provisional panel and to take further action. It appears from the impugned order at Annexure-F dated 09-01-2007 passed by the learned Tribunal that it had on earlier occasion made it clear to hear and decide the Original Application finally, but the learned Counsel Shri Jadhav for the original applicants again took time to argue the matter.

In that view of the matter, in our considered opinion, the learned Tribunal had no option but to pass an interim order, as prayed for in Miscellaneous Application filed by the Railway Administration. Such an interim order, which is made

subject to the final outcome of the Original Application, cannot be interfered with by this Court in its limited jurisdiction under Article 227 of the Constitution of India. Though the petition is labelled both under Article 226 and 227 of the Constitution, but strictly speaking it is petition under Article 227 of the Constitution of India only, the scope of which is narrow and limited. Unless there is jurisdictional error, this Court would not interfere. There is none in this case.

That apart, out of 5 applicants, who have shown one address in the application, only 2 of them have preferred to come to this Court and 3 have not even been joined as formal petitioners in this petition, be that as it may.

3. For this reasons, this petition is dismissed.

[B. J. SHETHNA, J.]

[H. B. ANTANI, J.]

/shamnath